
By: **Delegate Morhaim**

Introduced and read first time: January 16, 2004

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health - Ephedrine Group Alkaloids - Prohibition**

3 FOR the purpose of prohibiting the sale, distribution, prescription, or dispensing of
4 dietary supplement products containing ephedrine group alkaloids; providing
5 for certain exceptions to the prohibition on the sale, distribution, prescription, or
6 dispensing of dietary supplement products containing ephedrine group
7 alkaloids; establishing certain penalties for violation of the prohibition on the
8 sale, distribution, prescription, or dispensing of dietary supplement products
9 containing ephedrine group alkaloids; defining a certain term; and generally
10 relating to a prohibition on dietary supplement products containing ephedrine
11 group alkaloids.

12 BY adding to

13 Article - Health - General

14 Section 21-1114 and 21-1217

15 Annotated Code of Maryland

16 (2000 Replacement Volume and 2003 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Health - General**

20 21-1114.

21 (A) IN THIS SECTION, "EPHEDRINE GROUP ALKALOIDS" MEANS:

22 (1) EPHEDRINE GROUP ALKALOIDS PRESENT IN OR EXTRACTED FROM
23 THE HERB EPHEDRA OR ANY OTHER HERB THAT CONTAINS EPHEDRINE GROUP
24 ALKALOIDS; OR

25 (2) SYNTHETIC EPHEDRINE GROUP ALKALOIDS.

26 (B) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, THE
27 SALE, DISTRIBUTION, PRESCRIPTION, OR DISPENSING OF A DIETARY SUPPLEMENT
28 PRODUCT CONTAINING EPHEDRINE GROUP ALKALOIDS IS PROHIBITED.

1 (C) (1) A HEALTH CARE PRACTITIONER LICENSED OR CERTIFIED UNDER
2 THE HEALTH OCCUPATIONS ARTICLE MAY PRESCRIBE OR DISPENSE A DIETARY
3 SUPPLEMENT PRODUCT CONTAINING EPHEDRINE GROUP ALKALOIDS IF THE
4 HEALTH CARE PRACTITIONER:

5 (I) IS PRACTICING WITHIN HIS OR HER SCOPE OF PRACTICE; AND

6 (II) PRESCRIBES OR DISPENSES DIETARY SUPPLEMENT PRODUCTS
7 CONTAINING EPHEDRINE GROUP ALKALOIDS IN THE COURSE OF THE TREATMENT
8 OF A PATIENT UNDER THE DIRECT CARE OF THE HEALTH CARE PRACTITIONER.

9 (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, A
10 HEALTH CARE PRACTITIONER MAY NOT PRESCRIBE OR DISPENSE A DIETARY
11 SUPPLEMENT CONTAINING EPHEDRINE GROUP ALKALOIDS FOR PURPOSES OF
12 WEIGHT LOSS, BODY BUILDING, OR ATHLETIC PERFORMANCE ENHANCEMENT.

13 (D) A DIETARY SUPPLEMENT PRODUCT CONTAINING EPHEDRINE GROUP
14 ALKALOIDS MAY BE SOLD OR DISTRIBUTED DIRECTLY TO:

15 (1) A HEALTH CARE PRACTITIONER USING THE PRODUCT IN
16 ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION; OR

17 (2) A LICENSED PHARMACIST FOR SALE TO A PATIENT FOR WHOM THE
18 DIETARY SUPPLEMENT PRODUCT HAS BEEN PRESCRIBED IN ACCORDANCE WITH
19 SUBSECTION (C) OF THIS SECTION.

20 21-1217.

21 A PERSON WHO VIOLATES ANY PROVISION OF § 21-1114 OF THIS TITLE IS GUILTY
22 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

23 (1) FOR A FIRST VIOLATION, IMPRISONMENT NOT EXCEEDING 1 YEAR
24 OR A FINE NOT EXCEEDING \$5,000 OR BOTH; OR

25 (2) FOR A SUBSEQUENT VIOLATION, IMPRISONMENT NOT EXCEEDING 3
26 YEARS OR A FINE NOT EXCEEDING \$20,000 OR BOTH.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2004.